

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
v.) Criminal No. 1:10MJ311
MICHELLE J. NEELY,) Sentencing Date: 09/07/2010
Defendant.) The Honorable Thomas Rawles Jones, Jr.

DEFENDANT'S POSITION ON SENTENCING

The Defendant has no objections to the Presentence Report (PSR). Based upon the information in that report, it is respectfully submitted that the Defendant should receive a sentence of probation without incarceration. This request is consistent with the computation of the sentencing guidelines and based in part on the following factors:

1. The Defendant's conduct and role within this offense.
 2. The defendant's acceptance of responsibility and entry of a guilty plea
 3. The defendant's lack of any criminal history.

Based upon these factors and her personal, family, and professional background, the defendant is an excellent candidate for probation.

Respectfully Submitted,

C. Erik Jurgensen VSB#42309

Attorney for the Defendant

Albo & Oblon LLP

2200 Clarendon Blvd. Suite 1201

Arlington, VA 22201

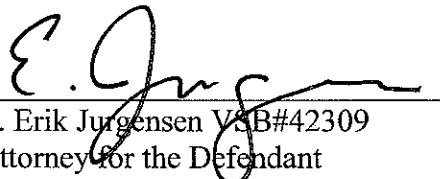
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CERTIFICATE OF SERVICE

Electronically filed with the Clerk of the Court using CM/ECF system with notification
(NEF) on September 2nd, 2010, to

Ronald L. Walutes, Jr.
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314


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August 27, 2010

Magistrate Judge Thomas Rawles Jones, Jr.
U.S. District Court for the Eastern District of Virginia

Subject: Letter of Character for Michelle J. Neely, Sentencing set for September 7, 2010

Our names are Wade A. Neely and Elizabeth G. Neely, parents of Michelle J. Neely residing at 4517 Sleaford Road, Annandale, Virginia 22003. We are writing this letter to give you a little background before sentencing in September 2010.

Michelle is the youngest of (3) daughters living her whole life in the Northern Virginia area. She graduated from W.T. Woodson H.S. in Fairfax county Virginia. She attended Application State University in Boone, N.C., graduating with a BS degree in Criminal Justice. All she ever wanted to do, was work for the Federal Bureau of Investigation (FBI). She also graduated from the Northern Virginia Community College with an associate's degree in accounting. She received NVCC'S "Award of Academic Achievement in Accounting" in May of 2006. She started her career in West Virginia at the finger printing facility in Clarksburg starting in 1995. She applied and was accepted in the SSG program for the FBI in the Washington D.C. area in 1996. She worked in this program until January 2010, when the investigation began on the events leading up to this situation.

As we see the current situation, Michelle has a very serious problem with "HOARDING". That is what caused the problem of "Unauthorized removal and retention of classified documents or material", the offense for which she has been convicted. We, my wife and I, don't think that she knew of all the documents she had in her residence and car. We are not making excuses for her, but will accept the punishment which you think appropriate for this charge. We hope that this situation will make her a better person. She is currently under professional help for the "HOARDING" problem.

She has been a very conscientious employee of the FBI and performed her duties to the best of her ability. She has informed Ms. Ashley Hunt, lead agent in this case of other instances which are not deemed appropriate for this type of work responsibilities. She has had several accommodations for her outstanding work, one of which was from the Central Intelligence Agency (CIA) for assisting in interagency work situations.

Some of the other outside interests she has been involved with but not limited to the following. She attends Burke United Methodist Church on a regular basis and is involved in several after church activities on a volunteer basis. She was also a "MENTOR" in the FBI program for underprivileged children in the D.C. area. She also has a small business "STAMPIN UP" and helps on projects with other non-profit organizations, provides instructions to people who want to be involved with making cards for special occasions, including making over 200 cards to send to the military personnel stationed overseas so they would have cards to send back to their families. She does volunteer work at Fairfax County schools where our middle daughter teaches. She was

also very caring and supportive when our oldest daughter was terminally ill. Michelle also served on the board of her homeowners association. She has a diverse background and is a great asset to the community.

Wade A. & Elizabeth G. Neely
4517 Sleaford Road
Annandale, Virginia 22003

July 5, 2010

Magistrate Judge Thomas Rawles Jones Jr.

US District Court for the Eastern District of Virginia

Subject: Character letter for Michelle J. Neely

My name is Debra D. Neely, sister to Michelle J. Neely. I am writing this letter to let you know the type of person my sister is.

First, let me say that my sister is a very hard working individual with strong morals and work ethic. For as long as I can remember, she has always wanted to work for the Federal Bureau of Investigation. Upon her graduation from Appalachian State University, she worked several jobs until she started her career in the fingerprint division of the FBI in Clarksburg, West Virginia. She applied to the SSG program and started the next chapter in her career working for the FBI. While working the numerous shifts in all hours of the day, she completed her Associates' Degree in Accounting from Northern Virginia Community College. Michelle was the recipient of NVCC's Award of Academic Achievement. This award is given to students who exhibit exemplary work in their field of study. Professors recommend students for this award whom they see exhibiting the qualities deserving this achievement. Completing her Associate's degree while working full time is a huge accomplishment in itself but, receiving this exceptional award shows not only her dedication to her job but in continuing her education and self improvement. In the numerous years as an SSG, Michelle has received several awards, honors and commendations not only from the FBI but other agencies as well. One of these is from the Central Intelligence Agency for her work on a joint agency case.

Second, Michelle (also referred to as Shelly) is an advocate in helping others. Michelle attends Burke United Methodist Church on a regular basis. While attending her church she helps in numerous activities at church to benefit others. Some of these would be collecting and coordinating the Box Top and Campbell Soup labels to be sent to the Appalachian area in Southwest Virginia and states in the surrounding areas. Another is collecting much needed school supplies for students who cannot afford the materials to help them be educationally successful. Michelle is also a Stampin Up demonstrator. She teaches individuals to make cards, scrapbooks and other paper creations. She made over 200 cards to send to military personnel serving overseas so they would be able to send appropriate cards to family members for special occasions when they are not able to attend. She also helps writing cards to church members who receive them. Shelly not only helps in her immediate community, but in other communities as well. While employed with the FBI she was a student mentor. In mentoring students, one not only address the educational needs of students but helps with the social learning as well. From purchasing educational materials (books to read and activity/workbooks), she also attended functions with her mentee, and provided treats for birthday celebrations. I am a teacher. She volunteered her time to help organize our schools' primary bookroom. This involved sorting, alphabetizing and returning books to designated locations. While this may seem trivial to most, the number of hours spent completing these tasks is invaluable to those in education.

Third, my sister is empathetic. Most people will never experience the loss of a sibling at a young age. When our sister was terminally ill, she was very supportive and caring.

Experiencing this loss at a young age, continued to foster her empathy in the activities she contributes to today in the betterment of others.

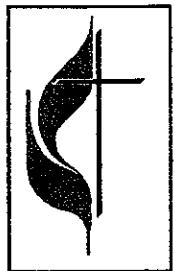
While my sister exhibits caring and selfless qualities, she is working through an issue of hoarding which I feel was the contributing factor to the situation for which she has appeared in your courtroom. This would be the unauthorized removal and retention of classified material. I truly feel that she was not aware of what she had because there was so much. She is taking responsibility by getting professional help to address and work through this problem.

My sister is a conscientious worker who takes her work responsibilities seriously and with the utmost respect to the "job" and coworkers. She also exhibits qualities that are found few and far between today. While this is not an excuse for what she has been charged with, I feel that these points and information mentioned above reflect what is not said about Michelle in reports from the FBI. Throughout this ordeal in which she has been said (harassed) to be an alcoholic, suicidal and basically an unfit employee, Michelle has continued to work hard in taking responsibility for this and in making the meaning of her life better, not only for herself but those she volunteers with and interacts with on a daily basis. She is an invaluable member to her community.

Debra D. Neely

4517 Sleaford Road

Annandale, VA 22003



Burke United Methodist Church

6200 Burke Centre Parkway, Burke, Virginia 22015, (703) 250-6100, Preschool, (703) 250-3657
Fax: (703) 250-0742 E-mail: bume@vaxomail.com

*Pastor, Rev. Dr. Lawrence W. Buxton
Minister of Discipleship, Rev. Judy G. Fender*

*Associate Pastor, Rev. Janet P. Salbert
Associate Pastor, Rev. Carl L. Perez*

June 23, 2010

Dear Judge Jones,

This letter is in reference to Shelly Neely. Shelly is a member at Burke United Methodist Church in Burke, Virginia and has been attending regularly since July, 2006.

Shelly has been faithful in worship attendance and active in mission projects to help others, particularly in packing health and birthing kits for the people in Haiti. Shelly has been in charge of our coupon and can tab ministry. Coupons are packaged and sent to Henderson Settlement in Kentucky for needed educational supplies and the can tabs go for support of Ronald McDonald Houses. Shelly is also a member of our card-stamping ministry, which makes and sends greeting cards to our troops in Iraq and Afghanistan and church members who are ill or grieving the loss of a loved one.

Shelly is always friendly and pleasant and willing to help when asked. I consider her to be loyal and upright citizen who is trustworthy. She is a valued member of our congregation.

If I can be of further assistance, please contact me.

Sincerely,

Rev. Judy Fender

*F. Maureen Thompson
6307 Buffie Court
Burke, Virginia 22015*

July 7, 2010

Judge Thomas Rawles Jones, Jr.
United States District Court
401 Courthouse Square
Alexandria, VA 22314

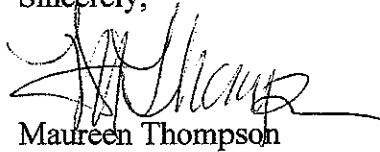
Dear Judge Jones:

I am writing on behalf of Michelle Neely. I have known Michelle, Shelly to her friends and family, for seven years. In that time I have come to consider her a good friend. I feel I can voucher for her good character and commitment to her community at large.

Shelly served on our home owner's association board for many years. During that time she served as Secretary and as a member of the Architectural Committee. She also volunteered her time as a mentor for an inner city child for at least two years. She regularly volunteers at her church on various projects helping the broader ministry of their congregation.

While I understand that Shelly has pleaded guilty to the misdemeanor, I do not think that she was being trying to be devious or malicious in her actions. She is not that type of person. I would ask that you consider her personal time activities in the community as you consider her sentence.

Sincerely,



The signature is handwritten in black ink. It consists of a stylized, flowing script that appears to begin with "M" and end with "T". Below the signature, the name "Maureen Thompson" is printed in a smaller, more standard font.